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From: Wirschafter, Joshua
Sent: Thur 8/20/2015 1:16:08 AM
Subject: old articles on NPL listing

Interesting articles from 2011 & 2014 examining views on NPL listing at the time:

<http://www.telluridenews.com/news/article_f28143b6-2e46-5e91-b994-f3c03735745e.html>

<http://www.denverpost.com/breakingnews/ci_25628887?source=infinite>

Here's the text of the 2011 article:

By Mark Esper
Silverton Standard

A handful of abandoned mines seven miles north of Silverton are responsible for enough contamination of Cement Creek and the Animas River to justify a Superfund listing, according to the Environmental Protection Agency, but that won't happen without community support.

In a Town Hall meeting on Aug. 18, EPA officials reviewed data from their fall 2010 sampling of Cement Creek and the Animas River. They say water quality is worsening, with zinc, lead and other heavy metals at elevated levels.

This in turn is being blamed for the loss of three of four trout species since 2005 in the upper Animas.

And EPA officials said that while the collaborative approach to water quality in the upper Animas spearheaded by the Animas River Stakeholders Group has been successful, the worsening situation on Cement Creek has compelled the agency to study a possible Superfund listing.

"The problem is worsening water quality," said Sabrina Forrest, site assessment manager for the EPA in Denver. Forrest explained that while the EPA considers the problem to be worthy of the National Priorities List (NPL) under the Superfund law, local support would be required as well as a sign-off from the governor.

"It's eligible for listing, but community support is needed for that," Forrest said. And if the Gladstone sites were to be eventually put on the NPL "the community would still have a huge voice on how this would be done."

The goals, Forrest said, are to reduce risk to public health and improve water quality.

"There are elevated levels of metals in fish people are eating," Forrest said.

"If listing is supported (locally) then the EPA will request a letter from the governor," Forrest said.

She said community support could come in the form of letters, a resolution from the San Juan County commissioners, and support from the stakeholders group.

Meanwhile, the EPA is planning a Sept. 16 site tour at Gladstone for those interested in getting a better

idea of the situation on the ground up there.

Forrest says the EPA hopes it can determine by Dec. 20 if there is enough local support for NPL listing to proceed. Under that timetable, the listing could be made official by March 2012.

The preliminary assessment work focused on a cluster of mine sites at and above Gladstone, including the American Tunnel, Gold King Number 7 level, the Mogul and Grand Mogul and the Red and Bonita mines.

Peter Butler of Durango, a steering committee member for the Animas River Stakeholders Group, which was formed as a collaborative approach to water quality issues in 1994, said Cement Creek has seen a steady increase in metals loading since a treatment plant at Gladstone was shut down in 2004.

Up to 845 gallons per minute of acid mine drainage is pouring into Cement Creek from just four abandoned mines above Gladstone.

"That's a very substantial amount," Butler said.

Butler said the upper Animas was meeting EPA aquatic life standards in the late 1990s at the sampling station at Baker's Bridge, just above Hermosa.

"And we were still meeting the standards in 2003," Butler said. But he said since then, "we've been exceeding acute and chronic standards quite a bit."

And Butler pointed to "biological evidence" of a growing problem.

A 2005 fish survey on the upper Animas found four species of trout in the Cascade Creek area. But the 2010 survey found only one of those species left. And the ones that disappeared happened to be the ones most sensitive to heavy metals loading.

At this point, Butler said possible solutions include various scenarios for a water treatment plant on Cement Creek, bulkheads for the four mines discharging the most, or some combination of that.

Then comes the question of who pays. Butler said options include seeking damages from Sunnyside Gold's parent company, Kinross; luring a large mining company to reopen the Gold King and take on the cleanup liability; taking an incremental approach with a pilot treatment project that could be expanded; invoking Superfund; or a combination thereof.

Jennifer Lane, community involvement coordinator for the EPA, said the agency is planning to schedule "listening sessions" starting next month.

"The ball is really in your court," Lane told about 60 local residents and others at the meeting upstairs in Silverton Town Hall. "We need to hear from you all."

But some at the meeting expressed skepticism of the need for Superfund.

John Ferguson, a mining engineer from Silverton, said "the EPA is asking us to stake our livelihoods and our community on one set of samples." He said the agency's laboratory procedures have been questioned in the past.

Forrest told Ferguson that the EPA also takes into consideration water sampling done by others.

Todd Hennis of Golden, who described himself as the "unfortunate owner of the Gold King and Mogul mines," said the EPA has been spinning "fairy tales."

"The problem started in 2000 when water started coming out of the Mogul," Hennis said. He said that was

a result of the American Tunnel bulkheads causing water to back up. The water table has since risen an estimated 1,000 feet, causing acid mine drainage to seep from ever higher points on the mountain.

Hennis accused state officials of engaging in "pollution trading" with Sunnyside Gold, with a consent decree letting the mining firm off the hook for water quality problems in the Gladstone area.

"The state of Colorado has a huge responsibility for this situation," Hennis said. "Sunnyside walked out of this district and their \$5 million bond was returned."

Hennis said the best solution would be for a mining firm to reopen the Gold King and assume responsibility for the water quality issues.

Hennis said he thinks there is \$700 million in gold still retrievable from the Gold King mine.

"That could be 200 jobs for 20 years," Hennis said.

In the meantime, Hennis said Sunnyside's parent company, Kinross, "can fund operations of a treatment plant here and we can avoid the Superfund stigma."

Kay Zillich, hydrologist with the Bureau of Land Management, noted that agency, it turns out, actually owns the American Tunnel portal (by a matter of inches).

"It comes to the surface on BLM land about that far," Zillich said, spreading her arms apart. She said the agency might even be able to come up with funding for a treatment plant, but not for actual operations.

And Zillich said the BLM "could pursue cost recovery from potentially responsible parties."

She said the BLM figures there are "twenty-something companies we may want to approach about potential liability."

County Board Chairman Ernie Kuhlman worried about the longer haul.

"You're going to have to treat it forever," Kuhlman said of the mine discharges. "The long-term responsibility is the problem."

Aaron Brill, owner of Silverton Mountain Ski area near the mines in question, said the stigma aspect is a huge concern of his.

"The image of a Superfund site can't be understated," Brill said. He said he wants the water quality problem to go away, but he doesn't want his visitors to leave too.

"We're supportive of clean-water initiatives," Brill said. "But we're not supportive of the damage that can be done from the perception of a Superfund site."

He said the EPA needs to do "proper marketing" of the CERCLA law.